

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Gill Gulpinder,
 Petitioner
 v.
 State of Nevada, et al.,
 Respondents

2:16-cv-00980-JAD-PAL

**Order Screening and Denying Petition
 without Prejudice and Closing Case**

Pro se Nevada state prison inmate Gill Gulpinder brings a § 2254 petition to enjoin criminal proceedings that are currently pending against him in state court. I have reviewed Gulpinder's petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and I deny his petition without prejudice.

Gulpinder alleges claims for ineffective assistance of counsel in a criminal case that is currently pending against him in Nevada's Eighth Judicial District Court.¹ Under the United States Supreme Court's decision in *Younger v. Harris*, a federal court may not interfere with ongoing state criminal proceedings absent extraordinary circumstances.² *Younger* abstention applies when (1) state judicial proceedings are pending; (2) the state proceedings involve important state interests; and (3) the state proceedings afford adequate opportunity to raise the constitutional issue.³ Only in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction have courts found federal injunctive relief against pending state

¹ ECF No. 1; State court Case No. C-15-311385-1.

² *Younger v. Harris*, 401 U.S. 37, 44 (1971); *Middlesex Cty Ethics Comm'n v. Garden State Bar Ass'n*, 457 U.S. 423, 431 (1982).

³ *Middlesex Cty*, 457 U.S. at 432; *Dubinka v. Judges of the Superior Court*, 23 F.3d 218, 223 (9th Cir. 1994).

1 prosecutions appropriate.⁴ All of the requirements for *Younger* abstention are present here, and
2 Gulpinder has not shown that any extraordinary circumstances justify federal court intervention in
3 his pending state criminal prosecution. I therefore deny Gulpinder's petition without prejudice.

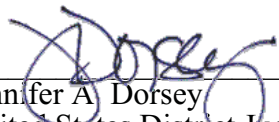
4 **Conclusion**

5 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that **Gulpinder's**
6 **petition [ECF No. 1] is DENIED without prejudice, and I decline to issue a certificate of**
7 **appealability.**

8 The Clerk of Court is instructed to add Adam Paul Laxalt, Attorney General of the State of
9 Nevada, as counsel for respondents and to electronically serve respondents with a copy of Gill's
10 petition and this order. Respondents need take no action in this case.

11 The Clerk of Court is further instructed to CLOSE this case.

12 Dated September 12, 2016

13 
14 Jennifer A. Dorsey
United States District Judge

15
16
17
18
19
20
21
22
23
24
25
26
27
28

⁴ *Carden v. Montana*, 626 F.2d 82, 83–84 (9th Cir. 1980), *cert denied*, 449 U.S. 1014 (1980) (citing
Perez v. Ledesma, 401 U.S. 82, 85 (1971)).